

(1) AN INDIVIDUAL MAY APPLY FOR A PERMIT TO EXCAVATE OR REMOVE ARCHAEOLOGICAL, PREHISTORIC, AND HISTORIC FEATURES FROM A CAVE ON PRIVATELY OWNED LAND.

(2) AN APPLICANT FOR A PERMIT SHALL:

(I) BE TRAINED IN ARCHAEOLOGY;

(II) GIVE THE TRUST A DETAILED STATEMENT OF THE PURPOSES AND OBJECTIVES OF THE PROPOSED EXCAVATION OR REMOVAL;

(III) AGREE TO PROVIDE THE TRUST WITH INFORMATION FROM AND RESULTS OF ANY EXCAVATION, STUDY, OR COLLECTION IN ACCORDANCE WITH THE TERMS OF THE PERMIT;

(IV) OBTAIN THE PRIOR WRITTEN CONSENT OF THE OWNER OF THE LAND ON WHICH THE EXCAVATION OR REMOVAL WILL BE CONDUCTED; AND

(V) AGREE TO CARRY THE PERMIT WHILE CONDUCTING THE EXCAVATION OR REMOVAL AUTHORIZED BY THE PERMIT.

(3) A PERMIT MAY BE ISSUED FOR A MAXIMUM TERM OF 2 YEARS AND MAY BE RENEWED.

(4) A PERMIT IS NOT TRANSFERABLE, BUT A PERSON WORKING UNDER THE DIRECT SUPERVISION OF THE PERMIT HOLDER NEED NOT OBTAIN A SEPARATE PERMIT.

(D) OWNERSHIP OF OBJECTS OR MATERIALS FOUND IN CAVE ON PRIVATELY OWNED LAND.

ANY OBJECT OR MATERIAL OF ARCHAEOLOGICAL, PREHISTORIC, OR HISTORIC VALUE OR INTEREST FOUND IN A CAVE ON PRIVATELY OWNED LAND IS THE PROPERTY OF THE OWNER OF THE LAND.

(E) IMMUNITY OF OWNER.

IF A PERSON USES A CAVE FOR RECREATIONAL OR SCIENTIFIC PURPOSES WITH THE PRIOR CONSENT OF AND WITHOUT A CHARGE BY THE OWNER AND SUSTAINS AN INJURY, THE OWNER AND AN AUTHORIZED AGENT OF THE OWNER ACTING WITHIN THE SCOPE OF THE AGENT'S AUTHORITY ARE NOT LIABLE FOR THE INJURY.

(F) ENFORCEMENT.

THE DIRECTOR AND THE DIRECTOR'S DESIGNEE MAY ENFORCE THE PROVISIONS OF THIS PART RELATING TO ARCHAEOLOGICAL HISTORIC PROPERTY FOUND IN CAVES IN THE SAME MANNER AS PROVIDED IN § 5-441(I) OF THIS SUBTITLE FOR SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 83B, §§ 5-628, 5-601(f), and, except as it related to terrestrial archaeological historic property, 5-629(a).

In subsection (a)(2) of this section, the reference to a person "[w]ithout a